

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MARIO ESPINOZA,

Case No. 3:21-cv-00198-MMD-CSD

Petitioner,

ORDER

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Respondents seek an extension of time to file a reply in support of their motion to dismiss Petitioner Mario Espinoza's 28 U.S.C. § 2254 habeas corpus petition. (ECF No. 54 ("Motion").) Since Respondents moved to dismiss, Espinoza has filed a motion to stay this petition pending further state litigation. (See ECF No. 53.) Respondents explain that they intend to respond to Espinoza's motion to stay before filing a reply in support of their motion to dismiss. (ECF No. 54 at 3.) Good cause appearing, the Motion is granted.

Also before the Court is Espinoza's motion for leave to file exhibits under seal (ECF No. 42). While there is a presumption in favor of public access to judicial filings and documents, a party seeking to seal a judicial record may overcome the presumption by demonstrating "compelling reasons" that outweigh the public policies favoring disclosure. See *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978); *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (internal citations omitted). In general, "compelling reasons" exist where the records may be used for improper purposes. *Kamakana*, 447 F.3d at 1179 (citing *Nixon*, 435 U.S. at 598). Here, Espinoza's counsel explains that the exhibits are all Espinoza's medical or mental health records, which are generally sealed to maintain privacy. (*Id.* at 4-5.) The need to protect medical privacy qualifies as a "compelling reason" to seal records. See, e.g., *Williams v. Nev. Dep't of Corr.*, Case No. 2:13-cv-00941-JAD-VCF, 2014 WL 3734287, at *1 (D. Nev. July

1 29, 2014); *San Ramon Reg'l Med. Ctr., Inc. v. Principal Life Ins. Co.*, Case No. C 10-
2 02258 SBA, 2011 WL 89931, at *1 n.1 (N.D. Cal. Jan. 10, 2011). The Court grants the
3 motion to seal.

4 It is therefore ordered that Respondents' unopposed first motion for an extension
5 of time to file a reply in support of their motion to dismiss (ECF No. 54) is granted *nunc*
6 *pro tunc*. The deadline to file the reply is extended to September 1, 2023.

7 It is further ordered that Petitioner's motion for leave to file exhibits under seal (ECF
8 No. 42) is granted. The exhibits will remain under seal.

9 DATED THIS 3rd Day of August 2023.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE
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